HOW TO COMPLY WITH THE LAW

- 1. Sell tobacco or herbal cigarettes only to people who are 18 years old or older. If you are not sure of the person's age, you can check his/her ID that is issued by the government. Examples of acceptable IDs are a driver's license, a military ID or a passport. **ID cards issued by colleges are no longer acceptable.**
- 2. Locate the vending machine in an area where it is always in plain view and under direct supervision. One way to ensure that minors don't purchase tobacco from the vending machine is to use a locking device or similar means on the machine so you can monitor the age of people making purchases.
- 3. Post a sign* that your customers can easily see that reads: "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, ROLLING PAPERS OR PIPES TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW".
- 4. Do not sell single cigarettes, sometimes referred to as "loosies" or "singles". All cigarettes must be sold in the manufacturer's packaging.
- 5. "Bidis" or "beedies" can only be sold at tobacco businesses. These businesses must post an additional sign* that reads: "SALE OF BIDIS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW."
- 6. Don't sell tobacco products or herbal cigarettes in your vending machine unless it has an up-to-date Certificate of Registration sticker from the State Department of Taxation and Finance for selling these products.

HOW DOES THE LAW AFFECT VENDING MACHINES?

Herbal cigarettes or tobacco, including bidis, may not be sold, even from vending machines, to persons less than 18 years of age. Vending machines used to dispense herbal cigarettes or tobacco can be located only in:

- bars or the bar area of restaurants
- private clubs
- tobacco businesses
- places of employment, as long as a significant portion of the workforce is over 18, and the machine is not accessible to the general public.

The vending machine must be in plain view and under direct supervision and control of the person in charge of the location or his/her designee. Vestibules and entranceways are not considered to be areas under direct supervision.



HOW ARE THE YOUTH ACCESS TOBACCO CONTROL LAWS ENFORCED?

The local designated enforcement officer works for the state, county or New York City Department of Health. The enforcement officers routinely visit businesses that sell tobacco to determine if they are in compliance with the law. The visits may include one or more of the following.

- Checking the location and supervision of vending machines.
- Having underage youth attempt to purchase tobacco products or herbal cigarettes.
- Verifying that the vending machine has a current tobacco registration sticker.
- Looking for the proper sign.
- Checking that bidis are sold only at tobacco businesses.

If your business is found in violation of the law, the enforcement officer will serve you a violation notice to appear for a hearing. If a violation(s) is sustained as a result of a hearing or an agreement where you admit to the violation(s), the enforcement officer will impose a fine and a surcharge for each violation. The New York State Department of Taxation and Finance and, if you are a lottery agent, the New York Lottery, will be notified that you were found in violation. Depending on previous violations, these departments will then suspend or revoke your registration or license according to the law.

Signs are available from your local enforcement officer

WHAT ARE THE PENALTIES FOR VIOLATING THE LAW?

First violation

• Fines from \$300 to \$1,000.

Second violation

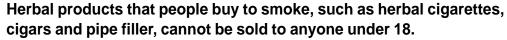
• Fines from \$500 to \$1,500.

Subsequent violations

- Fines from \$500 to \$1,500.
- Your vending machine tobacco registration will be suspended for one year after a third violation in a two-year period or after four violations over any time period.
- For any four violations occurring in a three-year period, your lottery license will be revoked for one year.

All violations

- A \$50 surcharge for each violation.
- Local newspaper will publish violations.



You are subject to the same fines and penalties as those for tobacco.

"Bidis" or "beedies" can be sold only at tobacco businesses (where the majority of sales are tobacco products).

The fine is not more than \$500 for sale of bidis from an unauthorized location.

If the vending machine does not have an up-to-date tobacco registration sticker, the name and address of its location will be reported to the Commissioner of Taxation and Finance for investigation.

CHECK YOUR LOCAL LAWS AND REGULATIONS

Some local governments have enacted local laws regulating the sale of tobacco or herbal cigarettes. In these cases, the stricter law (state or local) must be followed.

FOR QUESTIONS ON NEW YORK'S YOUTH ACCESS TOBACCO CONTROL LAWS:

Contact your local enforcement officer or:

Tobacco Enforcement Program
New York State Department of Health
Bureau of Community Sanitation and
Food Protection
Flanigan Square, 547 River Street
Troy, New York 12180-2216

(800) 458-1158, extension 2-7600

FOR QUESTIONS ABOUT TOBACCO REGISTRATION REQUIREMENTS:

New York State Department of Taxation and Finance W. A. Harriman State Office Campus Albany, NY 12227 (800) 972-1233

> State of New York George E. Pataki, Governor



NYS Department of Health Antonia C. Novello, M.D., M.P.H., Dr.P.H., Commissioner

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A GUIDE FOR TOBACCO MERCHANTS

Effective October 21, 2002

VENDING MACHINES
and
New York's
Youth Access
Tobacco Control Laws

If you violate these laws, you risk:

- fines of up to \$1,500
- a \$50 surcharge for each violation
- loss of your certificate of registration to sell tobacco or herbal cigarettes
- suspension of your lottery license

This brochure is for informational purposes only. A full copy of the law can be obtained from your local enforcement officer.